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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS ROSENBURG, JAMES R.
BAXTER, SHERRY MATTSON, STEVE
PARK, FNU KENNEDY, and EXALDO
TOPACIO, on behalf of themselves and classes
of those similarly situated,

Plaintiffs,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant.

Case No. 06-0430 PJH

STIPULATION AND ~~PROPOSED~~
ORDER APPROVING CLASS
NOTICE

WHEREAS, at the Preliminary Approval Hearing held on January 3, 2007, the Court
requested that the parties modify the proposed Class Notice in two respects;

WHEREAS, in accordance with the Court's instructions, the parties hereby submit a
revised Class Notice, attached as Exhibit A, together with a redline, attached as Exhibit B;

The parties hereby stipulate and agree as follows:

1 1. The Class Notice attached as Exhibit A to this stipulation shall replace and
2 supersede the Class Notice attached as Exhibit A to the Settlement Agreement as filed on
3 December 20, 2006;

4 2. The Claims Administrator shall mail Exhibit A to this stipulation in accordance
5 with the Court's Preliminary Approval Order.

6 Dated: January 5, 2007

ALTSHULER BERZON LLP

By: /s/ James M. Finberg

Attorneys for Plaintiffs

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Dated: January 5, 2007

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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: 1/9/07

HON. PHYLLIS J. HAMILTON
United States District Court

